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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 PHILIP MOG,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commission of  
14 the Social Security Administration,

15 Defendant.

CASE NO. 11-cv-05343 RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,  
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on  
19 Defendant's stipulated motion to remand the matter to the Commissioner for further  
20 consideration. (ECF No. 20.)

21 After reviewing Defendant's stipulated motion and the relevant record, the undersigned  
22 recommends that the Court grant Defendant's motion. The Court should REVERSE the  
23 Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits  
24

1 pursuant to Title II and Supplemental Security Income benefits pursuant to Title XVI of the  
2 Social Security Act, and REMAND this matter to the Commissioner of Social Security for  
3 further proceedings before an Administrative Law Judge (“ALJ”) pursuant to sentence four of 42  
4 U.S.C. § 405(g).

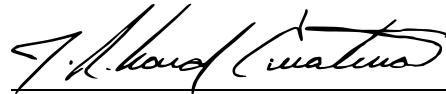
5 On remand, the ALJ should update the treatment evidence on Plaintiff’s medical  
6 condition; if warranted, obtain evidence from a medical expert to clarify the nature and severity  
7 of Plaintiff’s impairment; reevaluate the medical opinions of record and explain the reasons for  
8 the weight given to the medical opinion evidence; further consider Plaintiff’s residual functional  
9 capacity on the updated record, citing specific evidence in support of the assessed limitations;  
10 further consider whether or not Plaintiff had past relevant work he could have performed with  
11 the limitations established by the evidence; as appropriate, secure supplemental evidence from a  
12 vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base;  
13 and evaluate the effect, if any, of Plaintiff’s subsequent application dated April 6, 2010, finding  
14 Plaintiff disabled beginning February 27, 2010.

15 This Court recommends that the Commissioner’s decision be reversed pursuant to  
16 sentence four of 42 U.S.C. §405(g), with a remand of the cause to the Commissioner for further  
17 proceedings. See, Melkonyan v. Sullivan, 501 U.S. 89 (1991). This Court further recommends  
18 that the ALJ take any other actions necessary to develop the record. In addition, Plaintiff should  
19 be allowed to submit additional evidence and arguments to the ALJ on remand, as relevant to the  
20 appropriate time frame.

21 Given the facts and the parties’ stipulation, the Court recommends that the District Judge  
22 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
23 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

**JUDGMENT** should be for Plaintiff and the case should be **closed**.

Dated this 7th day of February, 2012.

A handwritten signature in black ink, appearing to read "J. Richard Creatura", written over a horizontal line.

J. Richard Creatura  
United States Magistrate Judge